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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,308	11/25/2003	Madirakshi Das	85710DMW	9315

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EXAMINER

MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,308

Applicant(s)

DAS ET AL.

Examiner

DANIEL G. MARIAM

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2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 16-20, 23-28 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 6, 14, 15, 21, 22, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/31/03, 2/25/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Examiner's Note

1. Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Koba (6,222,947).

With regard to claim 1, Koba discloses obtaining a plurality of digital images (See for example, col. 3, lines 42-45; and col. 5, line 62 – col. 6, line 2); automatically grouping the images into one or more image sets based on at least one of grouping by events and grouping by people present in the images (See for example, col. 6, lines 3-6 and lines 21-30); automatically profiling the images within each image set according to image content, i.e., degrees of importance, exposure information, color, etc, thereby relating a particular image set to one or more design themes (See for example, col. 6, line 32 – col. 7, line 22); providing a database of

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design elements, i.e., templates of different layout patterns, that may be used to generate customized photo album pages (See for example, item 6, in Fig. 1; and col. 4, lines 29-44; and col. 7, lines 22-41); utilizing the design themes generated by the profiling step to automatically suggest one or more design elements from the database of design elements, and automatically generating a customized photo album page layout for each image set by applying one or more of the suggested design elements to the page layout (See for example, col. 7, line 23 – col. 8, line 25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 10-13, 16-20, 23-28, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba (6,222,947) in view of Cooper (6,606,398).

With regard to claim 10, Koba discloses all of the claimed subject matter as already discussed above in paragraph 3, and incorporated herein by reference. Claim 10 distinguishes from claim 1 only in that it recites the limitation detecting images of human faces in the plurality of digital images, classifying the detected faces by age group and by gender, based on the classified faces in each image, assigning each image to a face-based photo profile. While the system of Koba discloses a customized, i.e., on the basis of user preference, photo albuming using generic images, Koba does not expressly call for creating customized photo album pages using images of human faces. However, Cooper discloses the detection and recognition of

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images, classifies the faces by age and gender groups and catalogs them in a face database (See Figs. 2 & 3). Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching as taught by Cooper into the system of Koba, and to do so would at least enhance the system Koba which creates customized photo album pages using generic images, by providing the capability of creating customized photo album pages for a plurality of facial images along with their gender and age information.

With regard to claim 2-4, claim 10 encompasses the limitation of these claims, and thus argument to that presented above for claim 10 is applicable to claims 2-4.

With regard to claim 5, the method as claimed in claim 4 wherein the step of profiling the images comprises profiling with an emphasis on the type of image as related to the number and size of faces of persons in the images (See for example, col. 5, line 62 – col. 6, line 42 of Koba).

With regard to claim 7, the method as claimed in claim 1 wherein the step of profiling the images comprises profiling with an emphasis on the distribution of color in the images (See for example, col. 6, line 15).

With regard to claim 8, the method as claimed in claim 1 wherein the suggested design elements are initially presented to a user as a plurality of design choices (which reads on questionnaire presented to the user and the user answering them by inputting several information using a keyboard) from which the customized photo album page layouts may be generated (See for example, col. 6, lines 7-42 of Koba).

With regard to claim 9, the method as claimed in claim 8 wherein the user selects said one or more of the suggested design elements that are used in the step of automatically

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generating a customized album page layout for each image set (See for example, col. 7, lines 20-67 of Koba).

With regard to claim 11, the method of claim 10, further including the step of printing of the customized album pages (See for example, S111 and S213, in Figs. 2 and 4 respectively of Koba).

With regard to claim 12, the method as claimed in claim 10, wherein accessing a plurality of digital still images is based on accessing groups depicting at least one of the same event and the same person (See for example, col. 5, line 62 – col. 6, line 42 of Koba; and Fig. 2 of Cooper).

With regard to claim 13, the method as claimed in claim 10, wherein the step of detecting images of human faces in the plurality of digital images is performed by a face detector, i.e., face recognizer (See for example, col. 2, lines 8-16 of Cooper).

With regard to claim 16, the method as claimed in claim 10 wherein an emphasis score (which broadly reads on degree of importance) is assigned to each image before laying out the images into album pages (See for example, S204-S205, in Fig. 4 of Koba).

With regard to claim 17, the method as claimed in claim 10 wherein the photo profile includes at least one of an image type with an emphasis on the presence of people in the image, the ages and genders of any people that are present, and the color distributions in the image (See col. 6, line 15 of Koba; and Fig. 2 of Cooper).

With regard to claim 18, the method as claimed in claim 17 wherein the image type is based on the number and sizes of faces present in the image (See for example, col. 5, line 62 – col. 6, line 42 of Koba).

With regard to claim 19, claim 11 encompasses the limitation of this claim, and is rejected the same as claim 11. Thus, argument analogous to that presented above for claim 11 is applicable to claim 19 (and applicants' attention is further invited to the argument presented above for claim 1). Claim 19 distinguishes from claim 10 only in that it recites grouping of the detected faces using facial similarity, i.e., match, such that each group depicts a unique individual. These features are also taught by Cooper (See Fig. 3).

Claims 20, 23, 25, and 26 are rejected the same as claims 13, 16, 17, and 18 respectively. Thus, arguments similar to those presented above for claims 13, 16, 17, and 18 are respectively applicable to claims 20, 23, 25, and 26.

With regard to claim 24, the method as claimed in claim 19, wherein the step of detecting an event is achieved by using an event clustering algorithm based on at least one of image date/time and image content information (See for example, col. 5, lines 62-67).

Claim 27 is rejected the same as claims 11 and 19. Thus, arguments similar to those presented above for claims 11 and 19 are applicable to claim 27.

Claims 28, 31, 32, 33, and 34 are rejected the same as claims 20, 23, 24, 25, and 26 respectively. Thus, arguments similar to those presented above for claims 20, 23, 24, 25, and 26 are respectively applicable to claims 28, 31, 32, 33, and 34.

Allowable Subject Matter

5. Claims 6, 14-15, 21-22, and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent numbers: 6608563, and 7203367; US Patent application publication: 2003/0182210 and 2004//0250205; and a publication "Creative Photo Sharing".

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
Art Unit 2624

May 13, 2007